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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,289	01/17/2002	Stephen O. Clark	45715.830001.000	4897

26582 7590 10/16/2003

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EXAMINER

ARYANPOUR, MITRA

ART UNIT PAPER NUMBER

3711

DATE MAILED: 10/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/053,289

Applicant(s)

CLARK ET AL.

Examiner

Mitra Aryanpour

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See continuation sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows: *As stated in the final*

Claim(s) allowed: _____

Claim(s) objected to: _____

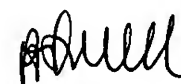
Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on September 19, 2003 is a) ☐ approved or b) ☒ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☒ Other: See continuation sheet



Continuation of 2. NOTE: The amendment to claims 1, 13 and 18 raises new issues and new matter in these claims. In claim 1, line 4; claim 13, line 5; and claim 18, line 8, the specification and claims as originally filed provide no support for the bunt aid having an outer diameter of greater than about 6 inches (see page 5, lines 7-12).

Continuation of 10. Other: With respect to the Amendment to the Specification: the Applicant has not addressed all the objections in the Specification (see page 4, line 10 of the Amendment After Final). Additionally, the Amendment to the Specification includes "new matter", see page 4, lines 1, 7 and 22, the term VELCRO has been substituted for "self securing". Although, VELCRO can be self securing, however, when using using the term "self securing" it includes a broader range of attachment which has no support in the Specification as originally filed. With respect to the Drawings: it is noted that Figure 1, is not identified as "Prior Art" as required by the specification; there appears to be no Figure 6, therefore, it is unclear why a brief description is provided in the Specification; the newly submitted Figure 7, does not show a suction cup (38) as required by the claim. What is seen is the attachment means (22) secured to the base of the bunt aid, but not by a suction cup.

NOTE: The Amendment to the Specification and Drawings can be entered, if the Objections are adequately addressed, and if filed in a separate paper, since the response is addressing Objections raised in a previous Office Action.